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S E C R E T SECTION 01 OF 02 KATHMANDU 000427

SIPDIS

STATE FOR SA/INS  
LONDON FOR POL/REIDEL  
NSC FOR MILLARD

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TAGS: [PGOV](#) [PREL](#) [PTER](#) [NP](#) [IN](#)

SUBJECT: NEPAL: INDIAN AMBASSADOR SAYS MAOISTS THREATENING  
TO END DIALOGUE

REF: KATHMANDU 408

Classified By: Ambassador Michael Malinowski for reasons 1.5 (b) and (d)  
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[11.](#) (S) Summary: According to Shyam Saran, India's Ambassador to Nepal, continued disagreement on the terms of a code of conduct for the current cease-fire has led Maoists to threaten an end to preliminary talks about future peace negotiations with the GON. At the heart of the disagreement is the Palace's refusal to accept the Maoist demand that government forces cease security operations. In a March 7 conversation with Ambassador Malinowski, Saran described the Maoists' ambiguous stance on the future of the constitutional monarchy. Saran reported that his Embassy has told Maoist leaders that if they want a dialogue with Indian diplomats, they must cease all illegal activity within India's borders. End summary.

[12.](#) (S) In a March 7 conversation with Ambassador Malinowski, Indian Ambassador Shyam Saran disclosed that in discussions with Indian Government (GOI) contacts the Maoists have threatened to break off talks with the GON because of disagreement on the cease-fire's proposed code of conduct. According to Saran, a draft code of conduct by the Maoists, vetted by the GON's advisory committee, contained a provision prohibiting search operations by the Royal Nepal Army (RNA) and police forces. The provision was rejected by the Palace, with a handwritten note from King Gyanendra stating "this does not apply to the RNA."

[13.](#) (S) Saran explained that the draft provision did not explicitly require that the security forces "return to their barracks," one of the Maoists' reported demands. According to RNA Chief of General Staff Victory Rana, while the RNA is not currently conducting specific search and destroy missions, regular patrols continue. If the patrols spot unlawful behavior, including the carrying of arms or wearing of Maoist uniforms, they intervene. Comments by Brig. Gen. Gaurav Rana (reftel), commander of the 5th Brigade in the far-western region, corroborate this policy.

[14.](#) (S) Ambassador Saran indicated that Indian diplomats in Nepal are not in direct contact with the Maoists, but that the GOI has opened other channels of communication with the insurgents. It was through these channels that the Maoists had conveyed complaints about the late-February arrest of several cadre in Patna, Bihar. The GOI had responded that "if you break the law in India you will get arrested," and told Maoist leaders that if the party wants a formal dialogue with India, they need to discontinue their activities south of the border.

[15.](#) (S) Saran indicated that the Maoists are being intentionally ambiguous about their support for the constitutional monarchy. When asked, a Maoist source reportedly replied that the insurgents "support multi-party democracy" but are "mum" on the question of the future of the constitutional monarchy. When asked if remaining "mum" was an indication of support, the source refused to elaborate. On the issue of a constituent assembly, Saran said that Maoist sources have stated that their advocacy of such an assembly is "not written in stone." The Indian Ambassador agreed with Post's assessment that, should the Maoists decide to abandon the peace talks, they would likely telegraph their intentions by instructing their agents first to begin citing incidents of alleged GON non-cooperation and publicizing complaints against the negotiating team.

[16.](#) (S) Comment: Disagreement over the code of conduct could presage a pattern familiar from the first round of talks: impose an impossible demand on the GON and break off negotiations when the government fails to meet it. The King is highly unlikely to hobble the RNA as demanded, especially since the Maoists have not disarmed. Rhetoric and complaints are likely to increase in the coming weeks, with the Maoists proclaiming their commitment to the talks and decrying the GON's purported failure to cooperate. History need not repeat itself, however. It is questionable whether the Maoists are prepared to resume hostilities, and the King has made it clear to us that he expects discussions with the

Maoists to be protracted. Under such circumstances,  
disagreements, posturing and threats are to be expected.  
MALINOWSKI